

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 92-161-T - ORDER NO. 92-407 ✓

JUNE 2, 1992

IN RE: Application of Suttles Truck	)	ORDER DENYING
Leasing, Inc., Highway 43 South,	)	PETITION TO
P.O. Box 129, Demopolis, AL 36732,	)	INTERVENE
for a Class E Certificate of Public	)	OUT OF TIME
Convenience and Necessity.	)	AND MOTION
	)	TO PRODUCE

This matter comes before the Public Service Commission of South Carolina (the Commission) on the May 14, 1992 Petition to Intervene and Motion to Produce filed by Infinger Transportation Company, Inc. (Infinger) on May 14, 1992. The return date for filings of Petitions to Intervene in this case was May 11, 1992. Infinger stated that the attempted intervention out of time was due to inadvertence and that Infinger had been engaged in negotiations with Suttles Truck Leasing, Inc. (Suttles) in an effort to avoid the necessity of intervening. Negotiations did not result in a satisfactory agreement between the carriers. Infinger decided to intervene in the above-referenced application. However, two officials of Infinger thought that the other had contacted attorney Thomas M. Boulware to intervene. It was discovered on May 14, 1992 that neither Company official had done so.

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The Commission has considered this matter and holds that Infinger does not show good cause for intervention out of time. Mere inadvertence is not sufficient grounds for the Commission to grant a Petition to Intervene Out of Time. This Petition must be denied. Since the Petition to Intervene is denied, Infinger's Motion to Produce must also be denied.

IT IS THEREFORE ORDERED:

1. That the Petition to Intervene Out of Time by Infinger is hereby denied.
2. That the Motion to Produce filed by Infinger is hereby denied.
3. That this Order shall remain in full force and effect until further Order by the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)